

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 05-082)

In re Application of:)	
)	
Ursula Giesen, et al.)	
)	Group Art Unit: To be assigned
Serial No.: To be assigned)	
)	Examiner: To be assigned
Filed: Herewith)	
)	
For: Generation of Chemiluminescence by)	
Hydrogen)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of a national application; within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office Action on the merits. 37 C.F.R. §1.97 (b)
- ☐ **after** three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or **after** the mailing date of a first Office Action on the merits, but **before** the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):
- ☐ the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below)

OR

- ☐ the fee of \$180.00 set forth in 37 C.F.R. § 1.17(p) (see "Fees" below).
- ☐ **after** a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), but before, or simultaneously with, the payment of the issue fee, and includes the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see "Fees" and "Method of Payment of Fees" below). Applicants hereby petitions for consideration of the Information Disclosure Statement submitted herewith and the accompanying references in examination of the subject patent application.

CERTIFICATION

- ☐ The **undersigned** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

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10/525883

DT06 Rec'd PCT/PTO 2 4 FEB 2005

FEES

- ☐ No fee is owed by the applicant(s).
☐ The **IDS Fee of \$180.00** under 37 C.F.R. § 1.17(p) is enclosed herewith.
☐ The **Petition Fee of \$130.00** set forth in 37 C.F.R. § 1.17(i) is enclosed herewith.

METHOD OF PAYMENT OF FEES


- ☐ Attached is a check in the amount of \$180.00.
☐ Charge Deposit Account No. 13-2490 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Please charge any underpayment or credit any overpayment in connection with this communication to Deposit Account No. 13-2490. A duplicate copy of this communication is enclosed for this purpose.

CERTIFICATE OF MAILING AS "EXPRESS MAIL" (37 CFR 1.10) I hereby certify that this correspondence and all attached paper(s) or fee(s) is being deposited with sufficient postage, with the United States Postal Service as EXPRESS MAIL POST OFFICE TO ADDRESSEE in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, with sufficient postage, on this 24th Day of February, 2005. under Express Mail Certificate No. EV595490230US.

Respectfully submitted,

Date: 2-24-05



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U.S. Patent Documents

1. Gabriele Punzmann, et al., U.S. Patent No. 6,432,722, Issued on August 13, 2002.
2. Jonathan Kent Leland, et al., U.S. Patent No. 6,271,041, Issued on August 7, 2001.
3. Velezis, et al., U.S. Patent No. 5,238,108, Issued on August 24, 1993.
4. Bard, et al., U.S. Patent No. 5,310,687, Issued on May 10, 1994.

Foreign Documents

5. Akhavan-Tafti, Hashem, et al., International Published PCT Patent Application No. WO 02/00726, Published on 03 January 2002.
6. Welk, Paul, Canadian Patent No. 2 313 144, Issued on December 30, 2001.
7. Bard, et al., European Patent No. EP A 0 580 979, Issued on February 2, 1994.
8. Richard Massey, et al., International Published PCT Patent Application No. WO 87/06706, Published on November 5, 1987.
9. Leland, et al., International Published PCT Patent Application No. WO 90/05296, Published on May 17, 1990.
10. Josel, Hans-Peter, et al., International Published PCT Patent Application No. WO 96/03409, Published on February 8, 1996.
11. Herrmann, et al., International Published PCT Patent Application No. WO 96/03410, Published on February 8, 1996.
12. Kotzan, Holger, Dr., et al., European Patent No. EP A 0 658 760, Issued June 21, 1995.

Article References


13. Yang, M. et al., (2002), *Analytica Chimica Acta*, "Electrochemiluminescence assay for the detection of acridinium esters", Vol: 461, pp. 141-146.

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Respectfully Submitted,

Date: 2-24-05

By:


David S. Harper
Reg. No. 42,636

FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

05-082

Serial No.

To be assigned

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

Applicant:

Franz Wieckmann, et al.

Filing Date:

Herewith

Group:

To be assigned

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	6,432,722	August 13, 2002	Gabriele Punzmann, et al.			March 15, 1999
	2.	6,271,041	August 7, 2001	Jonathan Kent Leland, et al.			June 6, 1995
	3.	5,238,108	August 24, 1993	Velezis, et al.			August 25, 1992
	4.	5,310,687	May 10, 1994	Bard, et al.			November 4, 1991

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	5.	WO 02/00726	03 January 2002	PCT			x	
	6.	2 313 144	30 December 2001	Canada			x	
	7.	0 580 979	2 February 1994	Europe			x	
	8.	WO 87/06706	5 November 1987	PCT			x	
	9.	WO 90/05296	17 May 1990	PCT			x	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

05-082

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STATEMENT BY APPLICANT**

(Use several sheets if necessary)

Applicant:

Franz Wieckmann, et al.

Filing Date:

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Group:

To be assigned

10.	WO 96/03409	8 February 1996	PCT			x	
11.	WO 96/03410	8 February 1996	PCT			x	
12.	0 658 760	21 June 1995	Europe				x

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

13.	Yang, M., et al., (2002), Analytica Chimica Acta, "Electrochemiluminescence assay for the detection of acridinium esters", Vol: 461, pp. 141-146.
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EXAMINER

DATE CONSIDERED

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